

Before the Board of Zoning Adjustment, D. C.

Application No. 12126 of National Savings and Trust Company, Trustee, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to permit a public hall on the second (2nd) floor in the C-3-B District at the premises 1610 - 20th Street, N. W. (Square 93, Lot 75).

HEARING DATE: April 21, 1976

DECISION DATE: May 3, 1976

FINDINGS OF FACT

1. The subject property is located in a C-3-B District.
2. The property is improved with a three story plus basement brick structure. The basement and the first floor are occupied by the Childe Harold restaurant. The restaurant operates under Certificate of Occupancy No. B-70594, issued June 20, 1969, which limits the capacity of the restaurant to less than 74 persons per floor.
3. The restaurant has been offering live entertainment on the first floor for three years. The entertainment is offered only during the evening. A cover charge is imposed for this entertainment. According to the General License Law of the District of Columbia (D.C. Code, Title 47, Section 2320(c)), an establishment where entertainment is offered for profit or gain is a public hall.
4. No parking spaces are required for the restaurant use, since it does not contain enough gross floor area. Parking for a restaurant in a C-3-B district is required at a rate of one space for each 750 square feet in excess of 2,000 square feet of gross floor area.
5. A public hall requires one parking space for each ten seats of occupancy capacity for the first 10,000 seats. Where seats are not fixed, each seven square feet of gross floor area usable for seating shall be considered one seat. Thus, one parking space is required for each 70 square feet, or a total of 14 spaces for the first floor of the subject premises.
6. The applicant proposes to provide no parking spaces, requiring a variance of all 14 required spaces.
7. The subject building was built in 1920, prior to the requirement that parking spaces be provided. The building occupies 100 per cent of the lot.

8. The subject property is surrounded by other commercial uses fronting on 20th Street, including a music shop, offices, a travel agency and a restaurant and bar.

9. There is a parking lot located at the intersection of 20th and Hillyer Place, approximately 40 yards from the subject property. This lot does have spaces available during the evening.

10. The site is located within one block of the entrance to the future Dupont Circle Metro Station.

11. The Dupont Circle Citizens Association supported the application.

12. There was additional support for the application from individuals residing in the immediate area.

13. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the fact that the building occupies 100 percent of the lot does create such a difficulty. The Board concludes that the use is compatible with other existing commercial uses in the area, that adequate parking is available within the vicinity, that the site is and will be well served by mass transit, and that there will be no adverse affect on adjoining or neighboring property. It is therefore ORDERED that the application be GRANTED.

VOTE

3-0 (Leonard L. McCants, William F. McIntosh, and Ruby B. McZier to grant, Lilla Burt Cummings, Esq. and William S. Harps not voting, not having heard the case)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER, Acting
Secretary to the Board

FINAL DATE OF ORDER: JUN 4 1976

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.